

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 21-CR-05 (BHL)

JOHN WHELAN,

Defendant.

PARTIES' JOINT STIPULATION REGARDING ATTORNEY'S FEES

The United States of America, by and through its attorneys, Richard G. Frohling, Acting United States Attorney, and Julie F. Stewart and Kevin C. Knight, Assistant United States Attorneys, and defendant John Whelan, by and through attorney Ronald Chapman II, hereby submit this Joint Stipulation regarding attorney's fees for the limited purpose of resolving the defendant's request to release property without further pretrial proceedings.

Relevant to the defendant's request, the following property has been seized:

- a. \$28,498.00 U.S. Currency;
- b. \$17,821.77 seized from BMO Account #xx4312;
- c. 2017 Subaru Outback 2.5 Limited;
- d. \$888.17 seized from BMO Account #xx5981;
- e. \$8,422.00 seized from BMO Account #xx0370;
- f. \$3,060.00 U.S. Currency;
- g. 2013 Audi TT Roadster 2.0T;
- h. \$55,299.95 seized from JP Morgan Chase Account #xx5302; and
- i. \$18,742.15 seized from JP Morgan Chase Account #xx2638.

On January 5, 2021, a grand jury in this district returned a fifteen-count indictment charging Whelan with fourteen counts, including conspiracy to distribute controlled substances,

maintaining a drug-involved premises, unlawful distribution of controlled substances, and making false statements to federal agents.

As noted in the Defendant's recent motion to withdraw his motion requesting a return of funds (ECF No. 52), the parties have reached an agreement concerning the defendant's request for the release of property to pay attorney's fees. The parties wish to formalize that agreement via these stipulations and request this Court to order the United States Marshals to remit the agreed-upon amount of \$80,000 to defendant's counsel, the Chapman Law Group, for payment of attorneys' fees. The stipulations to which the parties agree are as follows:

1. The defendant is the owner of the property items a through i identified above. The defendant agrees that no other person holds an interest in said properties.
2. According to defense counsel, defendant's only financial means with which to retain an attorney for representation in this case is via property items a through i identified above.
3. The parties wish to enter a joint stipulation in lieu of participating in an evidentiary hearing.
4. The defendant has provided information indicating that he needs \$80,000 to pay for counsel. Defendant has represented that this is the total amount Defendant needs to pay for counsel throughout this action. Based on the understanding that defendant has no assets other than those that have been seized to pay for counsel of his choice, the United States agrees to the release of certain assets and income under the following conditions:
 - a. \$80,000 of U.S. Currency shall be released by the United States Marshals to defense counsel, Chapman Law Group.
 - b. Defendant will not make additional requests for release of funds to pay for counsel.
5. The United States maintains that all funds were properly seized and are being appropriately held by the United States as proceeds of unlawful activity. The United States' agreement to release \$80,000 of funds for payment of attorneys' fees does not represent any admission on any legal issue raised by the Defendant.

6. Undersigned counsel agree that this stipulation does not create any binding precedent regarding resolution of any other cases, including but not limited to those involving the defendant, his co-defendant, or any other party litigating against the United States.

I am counsel to John Whelan and I have carefully reviewed each and every part of the foregoing agreement with my client. His decision to enter into this stipulation is an informed and voluntary one.

Date: 6/1/22

/s/ Ronald Chapman II

RONALD CHAPMAN II
Attorney for John Whelan

Date: 6/1/22

s/ Julie F. Stewart

JULIE F. STEWART
Assistant United States Attorney